

I. INTRODUCTION

Death Poem by Jumah al Dossari

Take my blood.
Take my death shroud and
The remnants of my body.
Take photographs of my corpse at the grave, lonely.

Send them to the world,
To the judges and
To the people of conscience,
Send them to the principled men and the fair-minded.

And let them bear the guilty burden before the world,
Of this innocent soul.
Let them bear the burden before their children and before history,
Of this wasted, sinless soul,
Of this soul which has suffered at the hands of the "protectors of peace."

We subjects of the so-called United States can understand the criminal legal system¹ (hereinafter referred to as CLS) as a system of debt, using David Graeber's framework in *Debt: The First Five Thousand Years*.² Every interaction a person has with the CLS either incurs, attempts to incur, collects, attempts to collect, repays, or attempts to repay a debt. Using this framework, we can understand the way this system functions, the way it was intended to function, and why it is irredeemable. I will explain prisons as we typically understand them, prisons and jails that the courts use pre-sentencing, and finally why the true debt is one society owes the incarcerated, why this debt cannot ever be repaid, and why we must try anyway.

¹ I prefer the phrase "criminal legal system" because it is more precise than "criminal justice system." There is no justice in our current system and no such thing as a fair trial. Systems built to oppress can never be reformed.

² David Graeber, *Debt the First 5000 Years* (Brooklyn: Melville House, 2014).

II. NO GOOD PRISONS

Cup Poem I by Shaikh Abdurraheem Muslim Dost

What kind of spring is this,
Where there are no flowers and
The air is filled with a miserable smell?

Prisons are necessarily a focal point of this essay, so it is worth taking some time to outline my basic assumptions, foremost of which is this: There is no such thing as an acceptable prison. The contemporary CLS is irredeemable. This means that no amount of reformation can render the CLS acceptable to people who wish not to participate in systems of subjection.³ The point is that there is no way to build a “good” prison, or no “right” way to imprison someone. The decisions PIC bureaucrats will have to make in order to continue to survive in their basest function — namely, to imprison people — will lead to the inhumane conditions. The righteousness or Great Reformer attitude of the person making the decision does not change this fact. Even within the ambit of architectural ethics practitioners are discovering that regardless of form or function of the prison, hideous, nightmarish conditions will result.

Why, when the consequences are so cruel, do we permit this system to continue? This society is a punitive one. It attempts to achieve its social goals and concerns using the threat of

³ “I chose to use ‘subjection’ in the book rather than the more common activist term ‘oppression’ for talking about how systems of meaning and control operate to support the life of some populations and extinguish that of others. ‘Oppression’ or ‘systems of oppression’ operate as shorthand terms in much writing and speaking so that we do not have to list all these systems of meaning and control each time (*i.e.* racism, ableism, xenophobia, etc.). I needed a term like that, but ‘oppression’ implies a kind of top-down understanding of power that is at odds with the Foucaultian model I rely on in my work. ‘Subjection’ suggests a more complex set of relationships, where we are constituted as subjects by these systems, engage in resistance within these systems, manage and are managed within these systems, and can have moments of seeing and exploiting the cracks and edges of these systems.” Dean Spade, “ON NORMAL LIFE,” *Society e3 Space* (blog), accessed December 18, 2019, <https://societyandspace.org/2014/01/15/on-6/>.

punishment. As Foucault argued in *Discipline and Punish*,⁴ the deterrent effect of crime in the contemporary era is the near certainty the perpetrator will be caught, unlike in Medieval Europe where the deterrent effect was the severity of punishment. A major obstacle to remedying this profoundly ill part of society is that a punitive society is unwilling to view the PIC bureaucracy as a moral agent. The bureaucratization of the CLS allows us to effectively withdraw the mantle of humanity from some people. What happens to people trapped in the CLS is acceptable because there is process and procedure. No matter how bad the consequence, the result is acceptable because it is the result of process.

Ending the very existence of prisons and the CLS does not obviate the need for punishment itself. In order to engender a society that is not based on the destruction of some to the benefit of others, in which we can truly transform both the subjects and objects of harm, we cannot circumvent punishment for fear of becoming oppressors. We must be courageous and vigilant—the risk of recreating naturally oppressive systems of punishment is always present—and we cannot avoid something because it will be difficult.⁵

Throughout this piece I will describe things as they *are*, as they were *made to be*, according to the current legal structure, and as they *should be*, based on the idea that every life must be respected and treated with dignity. I will try to be explicit about which category the issue in

⁴ Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1977).

⁵ For further reading on the subject, see, *e.g.*, Anthony J. Nocella II, “An Overview of the History and Theory of Transformative Justice,” *Peace & Conflict Review* 6, no. 1 (2011), <http://www.review.upeace.org/pdf.cfm?articulo=124&ejemplar=23>; “How Restorative Justice Is Reshaping Sexual Assault Awareness,” Bitch Media, accessed December 18, 2019, <https://www.bitchmedia.org/article/feature/punishment-is-not-justice>; Jennifer Polish et al., “Transformative Justice Transforming Mass Incarceration?,” Law Street, June 25, 2015, <https://www.lawstreetmedia.com/issues/law-and-politics/transformative-justice-transforming-mass-incarceration/>.

question fits, but if I am unclear or imprecise, I humbly ask the reader to grant me the benefit of the doubt.

III. CREATING DEBT THROUGH CRIMES

Somebody Was Breaking Windows by Luis J. Rodriguez

Somebody was breaking the windows
out of a 1970s Ford.
Somebody's anger, for who knows what,
shattered the fragile mirror of sleep,
the morning silence
and chatter of birds.
A sledge hammer in both hands then crashed
onto the side of the car,
down on the hood,
through the front grill and headlights.
This Humboldt Park street screamed
in the rage of a single young man.
Nobody got out of their homes.
Nobody did anything.
The dude kept yelling
and tearing into the car.
Nobody claimed it.
I looked out of the window as he swung again.
Next to me was my woman.
We had just awakened after a night of lovemaking.
Her six-year-old daughter was asleep
on a rug in the living room.
My woman placed her arms around me
and we both watched through the louvre blinds.
Pieces of the car tumbled
onto steamed asphalt.
Man hands to create it.
Man hands to destroy it.
Something about being so mad
and taking it out on your car.
Anybody's car.
I mean, cars get killed everyday.
I understood this pain.
And every time he swung down on the metal,
I felt the blue heat swim up his veins.
I sensed the seething eye staring from his chest,
the gleam of sweat on his neck,
the anger of a thousand sneers —
the storm of bright lights
into the abyss of an eyeball.
Lonely? Out of work? Out of time?
I knew this pain. I wanted to be there —
to yell out with him,
to squeeze out the violence

that gnawed at his throat.
I wanted to be the sledge hammer,
to be the crush of steel on glass,
to be this angry young man,
a woman at my side.

The CLS is not solely made up of prisons. It touches every piece of civil life, from the moment a police officer attempts to initiate a consensual encounter with a civilian⁶ all the way through death inside the prison, post-release conditions of parole, or lasting sentences, like the inability to possess a firearm or to live within 1,000 feet of a public school. One of the very first things you learn as a lawyer is that everyone breaks laws *all the time*. Thus, who becomes a criminal is not based on who breaks the law, but rather who incurs a debt to the state. I will explain below that there is a difference between acting in such a way as to violate a law and incurring a debt to the state.

A. What Is a Crime?

At its barest definition, a crime is a type of law, the violation of which permits the government to punish the perpetrator. At the next level of inspection, we find that an essential element of *crime* as a legal category that attempts to respect basic human rights norms is that no crime can be created without legislation—a person subject to that state’s enforcement mechanisms must at least be able to determine whether any given action they take will violate one of the laws in the *crime* category. This exists for a practical reason as well: ignorance of the law is

⁶ You will find the word *civilian* throughout this paper. It is broader than *citizen*, and is more accurate, since the laws I am discussing here are applicable to any person within the criminal jurisdiction of the United States. *Civilian* is also defined by the absence of the state. Neither police, nor legislators, nor bureaucrats are civilians in this case.

(usually) not a defense.⁷ The next level of complexity is what legislators call “due process.”⁸ This means that the punishment a state enacts must follow a predetermined set of stages. The process must be visible, reliable, repeatable, and accountable to the community the perpetrator comes from.

B. What Makes a Crime a Crime?

What actions merit punishment? How do we figure out why this society punishes some people for actions that fit in this box and not others? A crime in this sense is a debt incurred. We exist in a mythological static relationship with the state. This myth is based on a few core beliefs. We consent⁹ to be governed, including accepting various monopolies,¹⁰ in exchange for the state’s consent to derive its power and mandate from the masses. We civilians exist in a constant state of creditor-debtor and debtor-creditor relationship with the state. But the veil is pierced, and the image of the state-as-debtor fails when the tentative balance of debt-credit begins to tilt. The state can collect debt from me however it chooses, but I cannot impose or collect debt from the state in any meaningful way that the state will recognize.

⁷ “I’m sorry officer, I didn’t know I couldn’t do that.”

⁸ See U.S. CONST., Am. 5, 14.

⁹ Edward S Herman and Noam Chomsky, *Manufacturing consent the political economy of the mass media* (New York: Pantheon, 2002).

¹⁰ *E.g.* Monopoly on the legitimate use of violence, monopoly on the ability to collect taxes, monopoly on the ability to create and maintain foreign relations and create currency, monopoly on language, ontology, and meaning. Umberto Eco, “Ur-Fascism,” *The New York Review of Books*, June 22, 1995, <https://www.nybooks.com/articles/1995/06/22/ur-fascism/>.

C. The Tilt

This tilting of the scales arises most clearly in the CLS. If a person commits a crime, as opposed to a civil offense, the district attorney who prosecutes that person is not representing the alleged victim, but rather “the People.” This is because a crime is not an imbalance of the uneasy peace between civilians within a state, but rather between a civilian and the maintenance of that very peace, which is enforced by the state. Punching a person creates a situation where we live in a society in which people punch one another. The state exists in part to prevent us from living in a society in which people punch one another.¹¹ The state punishes people for tilting the scales. Paradoxically, when the state punishes people, *it* tilts the scales too. But the initial tilt—the unjustified punch—and the tilt-back—the incarceration—are unequal. Whether a debt can be repaid or not is irrelevant to whether it exists and who can do what with it.

D. Pre-Sentencing Debts

Sentencing can be understood as the formal recognition of a debt and the start of collection. But the debt begins much earlier, most often with the police. There are three types of police encounters: consensual encounters, limited detentions,¹² and full arrests. Each is based on a certain level of suspicion that has an ambiguous legal definition, and each concerns an officer’s legal right to search your person and effects and to seize you or objects they may consider evidence. In diminishing order of suspicion, the levels of suspicion are (1) Probable Cause: Arrests

¹¹ This is not to say a society in which pure strength is a common way people resolve social or emotional conflict is a good place to live. This is rather to say that the way the State prevents this—using the CLS—is harmful.

¹² Also known as “stop-and-frisk,” “broken windows policing,” or Terry stops (after the Supreme Court case *Terry v. Ohio*, 392 U.S. 1 (1968)).

must be based on clear, articulable facts that to a reasonable officer in the arresting officer's position would give them probable cause to believe the person has committed, is committing, or is about to commit a crime; (2) limited detentions, which are based on lesser suspicion than arrests, allow a police officer to detain someone for a limited period of time, to determine whether they have committed, are committing, or are about to commit a crime. This also must be based on clear, articulable facts, just like Probable Cause; (3) finally, a consensual encounter¹³ is based on no suspicion at all, and is created when an officer initiates contact with a civilian, but—and here is the major difference—the officer cannot search a civilian in a consensual encounter without the civilian's consent.¹⁴

Police do not exist to prevent crime. Instead, they exist as the active arm of the state to reach out and begin the process of punishing people for transgressions. A police officer who initiates a consensual encounter with a civilian is attempting to determine whether the detainee can be saddled with a debt that the state can attempt to collect. Police are what Nietzsche called in *On the Genealogy of Morals*, “valuating animal[s] as such.”¹⁵ They are constantly evaluating debts and credits between civilians and the state. To police is not to perform a job. Rather, to police a community is to participate in a powered relationship. The state, being more than the sum total of the people who govern, needs to commandeer people to enact its will. The executive elements of the state perform this function. So, the police base their ability to determine whether or not they can say you are in debt to the state on varying levels of suspicion. Once this happens

¹³ Perhaps a misnomer.

¹⁴ This is common knowledge, which is why I have not provided a particular citation.

¹⁵ Friedrich Nietzsche and Walter Arnold Kaufmann, *On the Genealogy of Morals* (New York: Vintage Books, 2011).

and the millstone of the CLS begins to grind, the suspect is treated as a debtor.

Pretrial detention is the other major pre-sentencing stage where suspects are treated as though they owe the state a debt. Many people are held in jail before they are even formally charged with a crime. Once charged, it is very rare a person will be released on their own recognizance. Instead, courts will impose unreasonable and unattainable bail, effectively attempting to collect a debt before even assigning it on the mere thought they might assign one.

IV. RACIAL DISPARITY, EXECUTION, & SLAVERY

Poetry by William Wantling

I've got to be honest. I can
make good word music and rhyme

at the right times and fit words
together to give people pleasure

and even sometimes take their
breath away—but it always

somehow turns out kind of phoney.
Consonance and assonance and inner

rhyme won't make up for the fact
that I can't figure out how to get

down on paper the real or the true
which we call life. Like the other

day. The other day I was walking
on the lower exercise yard here

at San Quentin and this cat called
Turk came up to a friend of mine

and said Ernie, I hear you're
shooting on my kid. And Ernie

told him So what, punk? And Turk
pulled out his stuff and shanked

Ernie in the gut only Ernie had a
metal tray in his shirt. Turk's

shank bounced right off him and
Ernie pulled his stuff out and of

course Turk didn't have a tray and
caught it dead in the chest, a bad

one, and the blood that came to his
lips was a bright pink, lung blood,

and he just laid down in the grass
and said Shit. Fuck it. Sheeit.

Fuck it. And he laughed a soft long
laugh, 5 minutes, then died. Now

what could consonance or assonance or
even rhyme do with something like that?

A. Prison

Prison is the essential form of debt collection. Spending time in a prison is nonconsensual, based on an externally-imposed period of time. it is arbitrary, but the state is in a position to say whether one murder is worth 10 years of someone's life and another murder is worth the rest of a different person's life. I present three quotes that attempt to define the shape and scope of prisons: According to Foucault in *Des Espaces Autres*, prisons reveal the society that creates them: "[C]ertain unusual or out-of-the-ordinary places—the museum, the prison, the hospital, the cemetery, the theater, the church, the carnival, the vacation village, the barracks, the brothel, the place of sexual initiation, the colony—provide our most acute perceptions of the social order."¹⁶ Nick Ford describes what prisons do: "Prisons are not just places that house serial killers, rapists, and murderers. The prisons are themselves murderers, serial killers, rapists and on a larger scale than nearly any criminal could ever get away with."¹⁷ Huey Freeman, a character from the cartoon TV series *Boondocks* describes the function of prisons: "The prison

¹⁶ Jane Rendell, Barbara Penner, and Iain Borden, *Gender Space Architecture* (London: Routledge, 2000).

¹⁷ We Are Not Disposable! Nick Ford, 7

industrial complex is a system situated at the intersection of government and private interests. It uses prisons as a solution to social, political, and economic problems. It includes human rights violations, the death penalty, slave labor, policing, courts, the media, political prisoners and the elimination of dissent.”¹⁸

B. Capital Punishment

1. Why Death?

Capital punishment is administered for various stated reasons. First, it is retributive. Second, it is punitive. Third, it is a deterrent.

The first and most bluntly debt-ridden reason for existing is retribution. *Payback*. Families of murdered victims demand revenge, but in my experience and the experiences of many colleagues who are death penalty defense lawyers, an execution rarely provides comfort to aggrieved families. Graeber writes about blood debt and how societies implicitly or explicitly understand that only a life can pay for a life, but that there is no true settling the debt.¹⁹ In certain Iroquois nations, a murderer would offer the family of the person they murdered a present of white wampum. This “was not in the nature of a compensation for the life of the deceased, but of a regretful confession of the crime, with a petition for forgiveness. It was a peace-offering, the acceptance of which was pressed by mutual friends.”²⁰ Retribution via capital punishment exists only in the future. Closure is a faulty expectation, and it will remain unmet. Upon completion of the execution, families and witnesses are not granted some special sense of finality.

¹⁸ *Id.*, 11

¹⁹ Graeber, *Debt the First 5000 Years*.

²⁰ Graeber.

They simply go home, carrying the weight of having watched someone die. Another family suffers the loss of a loved one.

Punishment is another form of retribution, but unlike the retribution described above, it is a retributive action for harm against the state rather than on behalf of the victim. Crimes create a debt between the accused and the state. Some crimes are eligible for the death penalty.²¹ This is a form of infinite or eternal debt. Unlike incarceration, which tries to permit a person to repay their debt using freedom as currency, the death penalty creates a system where the debt cannot be fully repaid, no matter how much a person can give. The last, greatest thing a person can use to repay their debt to the state is their life itself. When the state murders a person, it is saying the debt is larger than the person can repay. Thus, murder is not a form of repayment but rather a punishment for incurring such a large debt.

Finally, proponents of the death penalty argue that the threat of capital punishment is an effective deterrent. This is widely understood to be incorrect by those who formally study the death penalty. As George Jackson famously wrote, “I’m in a unique political position. I have a very nearly closed future, and since I have always been inclined to get disturbed over organized injustice or terrorist practice against the innocents—wherever—I can now say just about what I want (I’ve always done just about that), without fear of self-exposure. I can only be executed once.”²² There is extensive evidence to show that violent crime rates do not change

²¹ “Crimes Punishable by Death,” Death Penalty Information Center, accessed December 15, 2019, <https://deathpenaltyinfo.org/facts-and-research/crimes-punishable-by-death>.

²² George Jackson and Jonathan Jackson, *Soledad Brother: The Prison Letters of George Jackson* (Chicago: Lawrence Hill Books, 2006).

based on whether the death penalty is a risk. And yet legislators and bureaucrats continue to insist that the death penalty is an effective deterrent to violent crime.²³

2. *From Furman to Gregg*

For a brief period between 1972 and 1976, the Supreme Court rendered all capital punishment schemes unconstitutional. In 1972, the Court decided *Furman v. Georgia*,²⁴ stating among other things that the death penalty *as applied* constituted cruel and unusual punishment, in violation of the 8th and 14th Amendments²⁵ because its application was “arbitrary and discriminatory.”²⁶ In 1976, the Court effectively overturned their earlier ruling in *Gregg v. Georgia*.²⁷ The reasoning was that, so long as states met certain standards, the application of the death penalty could avoid violating *Furman*. First, there must be objective criteria. The Court held that although “some jury discretion still exists, ‘the discretion to be exercised is controlled by clear and objective standards so as to produce nondiscriminatory application.’”²⁸ The Court also held that, “[a]s an important additional safeguard against arbitrariness and caprice, the Georgia statutory scheme provides for automatic appeal of all death sentences to the State’s Supreme Court. That

²³ “Deterrence,” Death Penalty Information Center, accessed December 13, 2019, <https://death-penaltyinfo.org/policy-issues/deterrence>.

²⁴ 408 U.S. 238 (1972).

²⁵ “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” U.S. CONST., Am 8. “No state shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” U.S. CONST., Am. 14.

²⁶ *Furman*, 408 U.S. at 242.

²⁷ 428 U.S. 153 (1976).

²⁸ *Gregg*, 428 U.S. at 197–98 (citing *Coley v. State*, 231 Ga. 829, 834 (1974)).

court is required by statute to review each sentence of death and determine whether it was imposed under the influence of passion or prejudice, whether the evidence supports the jury's finding of a statutory aggravating circumstance, and whether the sentence is disproportionate compared to those sentences imposed in similar cases."²⁹

3. *Racial Disparity in Death Penalty: McClesky v. Kemp*

It should not be a controversial position to acknowledge racial disparity in death penalty sentencing. Alas, racial disparity is portrayed as evidence of racial inferiority rather than systemic intent. In 1987 the Supreme Court decided a case called *McClesky v. Kemp*.³⁰ In 1978 the petitioner, a Black civilian, was convicted of killing a white police officer. In Georgia, the murder of a police officer during the commission of a crime is an aggravating factor that juries weigh when determining capital punishment. McClesky introduced the Baldus study, which analyzed over two thousand murder cases in Georgia in the 1970s and showed empirically that there is racial disparity in application of the death penalty in Georgia. McClesky argued that his conviction violated the 8th and 14th Amendments because of this. The Court held that the Baldus study did not establish that Georgia's administration of the death penalty violated the Equal Protection clause of the 14th Amendment. Its reasoning was that the petitioner could not point to any discriminatory intent in *his* procedural history. "Petitioner offered no evidence specific to his own case that would support an inference that racial considerations played a part in his sentence, and the Baldus study is insufficient to support an inference that any of the

²⁹ *Id.* at 198.

³⁰ 481 U.S. 279 (1987).

decisionmakers [*sic*] in his case acted with discriminatory purpose.”³¹

After he retired, Justice Powell responded to the question of whether he would have changed his vote in any case, “Yes. *McClesky v. Kemp*.” Warren McClesky was murdered by the state of Georgia on September 25, 1991 by electrocution.

4. *Debt(b)*

The so-called United States is built on the foundation of the enslavement of Africans, the genocide of the First Nations, and the legacy of Forever War and colonialism.³² According to the founding principles of the US, Black people are still a resource from whom infinite credit can be extracted. Native people are treated like temporary caretakers of land that has been held until the colonial bureaucrats can extract from it the wealth they are owed. Finally, orientalist wars are great and terrible profit machines. Each form of wealth construction, be it slavery to extract the value of labor, genocide to extract the value of land, or war to extract the value of industrial production, can only be created using the tortured, destroyed bodies and lives of Black, Native, and Arab people for bricks and mortar.

V. WE CAN NEVER REPAY OUR DEBTS BUT WE MUST CONTINUE TO TRY

“If there is a God, He will have to beg my forgiveness.”

- *Phrase carved into the wall of Mauthausen Concentration Camp in World War II.*

“In the case of a blood-feud, both parties will also be aware that even a revenge killing,

³¹ *Id.* at 279–80.

³² Andrea Smith, “Heteropatriarchy and the Three Pillars of White Supremacy: Rethinking Women of Color Organizing,” in *Color of Violence*, ed. INCITE! Women of Color Against Violence (Duke University Press, 2016), 66–73, <https://doi.org/10.1215/9780822373445-007>.

while at least it conforms to the principle of a life for a life, won't really compensate for the victim's grief and pain either. This knowledge allows for some possibility of settling the matter without violence. But even here, there is often a feeling that, as in the case of marriage, the solution to the problem is simply being real temporarily postponed."³³

The state uses the falsehood of debt in order to punish and imprison civilians. But there is a debt incurred in this procedure—the state owes a life to the punished. For example, the “Guildford Four” were a group of Irish boys who confessed under significant duress to bombing a pub in Guildford in furtherance of the Provisional IRA's goals of repelling the United Kingdom out of Northern Ireland.³⁴ At trial the prosecution intentionally withheld evidence that each of the Guildford Four had strong to airtight alibis for the bombing while knowingly introducing falsified confessions and evidence in order to secure a conviction. The British police were emboldened under the recently passed Prevention of Terrorism Act and the UK was demanding a prosecution. “As commonly occurs in the wake of terrorist attacks, the widespread fear among citizens of England quickly turned to outrage.”³⁵ Neither the prosecutors nor the investigators who tortured confessions out of the young men were interested in catching the people who committed the bombing. They were interested in collecting the debt. Paul Michael Hall, Gerard Conlon, Patrick Armstrong, and Carole Richardson were found guilty by a jury whose primary reasoning was, “why would you confess if you hadn't done it?”³⁶ Gerry Conlon spent fifteen

³³ Graeber, *Debt the First 5000 Years*.

³⁴ Charles Patrick Ewing and Joseph T. McCann, *Minds on Trial: Great Cases in Law and Psychology* (Oxford University Press, 2006).

³⁵ Ewing and McCann.

³⁶ Ewing and McCann.

years out of his life sentence before being released when the prosecution's malfeasance was uncovered. His father, Giuseppe Conlon, died in prison after five years, due to emphysema.³⁷

In 2005, then Prime Minister Tony Blair formally apologized to the Guildford Four. The quarter of his life spent in prison had lasting effects on his life after release. Gerry Conlon died in 2014 after struggling with reentry into civilian life—nervous breakdowns, outbursts of violence, a drug and tobacco addiction that caused the cancer that eventually took his life. The Guildford Four settled with the Government for around £500,000.³⁸ One wonders, “[c]ertainly no one presenting such compensation would ever be foolish enough to suggest that any amount of money could possibly be the ‘equivalent’ to the value of someone’s father, sister, or child. So here again, money is first and foremost an acknowledgment that one owes something much more valuable than money.”³⁹

VI. CONCLUSION

“Ever tried. Ever failed. No matter. Try again. Fail again. Fail better.”
- Samuel Beckett, *Worstward Ho!*

The state that incarcerates people, guilty or not, owes something more than a debt to those whose lives it steals. A debt is something that can theoretically be repaid, even if it is never settled. The state commits an act that can never be undone. It reveals the truth that debt flows

³⁷ Henry McDonald and Mark Townsend, “Guildford Four’s Gerry Conlon Dies of Cancer in Belfast, Aged 60,” *The Observer*, June 22, 2014, sec. UK news, <https://www.theguardian.com/uk-news/2014/jun/22/gerry-conlon-dies-freed-guildford-four>.

³⁸ David Pallister, “An Injustice That Still Reverberates,” *The Guardian*, October 18, 1999, sec. UK news, <https://www.theguardian.com/uk/1999/oct/19/davidpallister1>.

³⁹ Graeber, *Debt the First 5000 Years*.

in one direction only. Civilians are only ever in debt; the state is only ever a creditor. The state never considers itself to owe its civilians anything, and civilians cannot ever adequately collect even a symbolic repayment from the state, except on the state's terms. Nevertheless, we must try. Because to do otherwise would be to deny the very existence of the harm that the criminal debt system creates.

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